UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,375	09/13/2000	Hannes Eberle	23453-020	8034

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LERNER, MARTIN

ART UNIT	PAPER NUMBER
2654	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/661,375	EBERLE ET AL.
	Examiner	Art Unit	
	Martin Lerner	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>27 to 36, 38 to 45, and 47 to 48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>27 to 36, 38 to 45, and 47 to 48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 July 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 27, 28, 34, 35, 43, and 44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Lumelsky* in view of *Ladd et al. ('359)*.

Concerning independent claims 27 and 28, *Lumelsky* discloses a method and

system for singlecast interactive radio system, comprising:

"means for providing at least one voice service, to which a plurality of users may

subscribe, that can output personalized content during an interactive voice broadcast" –

in general, the singlecast interactive radio system 100 delivers digitized audio-based

content to subscribers upon their request; the system preferably includes a plurality of

user terminals (column 8, lines 37 to 46: Figure 1); associated with each user is a

profile, which defines the user's topics of interest ("personalized content") (column 19,

lines 53 to 56);

"means for generating content for the at least one voice service when the at least

one voice service is executed" – content authoring tools enable content creators (e.g.

news service providers) to produce a highly compressed voice-based information

content, to be stored on data network (e.g. Internet) servers, such as the data repository

401 (column 8, lines 46 to 50: Figure 1);

"means for applying subscriber-specific personalization information for each

subscriber of the at least one voice service to the generated content, so as to

personalize the generated content for each subscriber, wherein personalized content for

a subscriber is formatted into a unique active voice page generated for the subscriber" –

personal radio station servers (PRSSs) 201 store multiple subscribers' profiles with

topics of individual interest, and assemble content material from various Web sites

according to topics (column 8, lines 50 to 53: Figure 1); associated with each user is a

profile, which defines the user's topics of interest ("personalized content"); the profile

content is typically defined in terms of a list of topic categories, e.g. international news,

sports news, business news, etc. (column 19, lines 53 to 58); when a subsequent

session is initiated, the user will receive all information listed in the user's list of topics,

but only that information pertaining to the user selected topics of interest (column 10,

line 63 to column 11, line 13); via a pre-fetching mechanism, i.e. using the profiles and

noted access patterns of the user, the PRSS may anticipate which information may be

of interest in the near future and retrieve such data so that the data is available at the

PRSS upon user request; cache-based systems on the market include Netscape[®]

(column 20, lines 40 to 52); a user's list of topics of interest defines "a unique active

voice page generated for the subscriber";

"means for initiating an outbound communication to the subscriber to establish an

interactive voice broadcast with the subscriber" – personal radio station servers

(PRSSs) 201 transmit the content to a subscriber's user terminal 301, on the

subscriber's request, over the wireless network 403 (column 8, lines 50 to 55: Figure 1);

there are preferably two distinct methods of information retrieval via the PRSS directory

services; one method is based on assembling the information on all the topics of

interest; when a subsequent session is initiated, the user will receive all information

listed in the user's list of topics, but only that information pertaining to the user selected

topics of interest; "push technology" permits a user to create a profile and to receive

information on topics identified in his profile via the previously established search

criteria (column 10, line 63 to column 11, line 30); implicitly, "push technology" involves

"initiating an outbound communication to the subscriber".

Concerning independent claims 27 and 28, *Lumelsky* discloses "a subscriber's

unique active voice page" having "personalized content to the subscriber" is created by

personalizing a list of topic categories of interest for a user profile, whereby a user is

enabled to interact in real-time, implicitly, to select a type of information for retrieval.

(Column 19, Line 53 to Column 20, Line 24) *Lumelsky* does not expressly disclose that

a subscriber is enabled "to respond to the personalized content via one or more input

elements embedded in the active voice page", as set forth by the limitation of

"dynamically interacting with the subscriber in real-time during the interactive voice

broadcast by presenting personalized content to the subscriber from the subscriber's

unique active voice page and enabling the subscriber to respond to the personalized

content via one or more input elements embedded in the active voice page." That is,

Lumelsky notes web pages, e.g. Netscape (column 20, lines 49 to 52), but does not say

that there is a displayed active voice page having embedded links through which a user

may interact by voice commands. Still, it is well known for web pages to provide

interactive speech applications including VoxML™ for permitting a user into interact with

links on a displayed web page through voice commands.

Concerning independent claims 27 and 28, *Ladd et al.* *('359)* teaches a markup

language for interactive services where information from a service provider is

downloaded in real-time (i.e. the information is downloaded contemporaneously with a

request for information). (Column 1, Lines 29 to 32) A network access apparatus 102

includes a voice or web browser 250 including Netscape Navigator® or Microsoft

Internet Explorer® (column 3, lines 50 to 52), and provides for an interactive speech

application using a markup language such as VoxML™. (Column 4, Line 66 to Column

5, Line 2) A voice browser 250 permits a user to interact through the use of an OPTION

element within an INPUT element to select options of weather, news, or traffic by voice

commands. (Column 27, Lines 4 to 30; Column 36, Line 26 to Column 41, Line 60) An

OPTION element with an INPUT element of an application using VoxML™ is equivalent

to "one or more input elements embedded in the active voice page" for permitting a user

to select interactive services for listening to information about weather, news, or traffic.

Ladd et al. *('359)* teaches an interactive system permitting a user to access up-to-date

information from any location in the world via any suitable network access device using

voice inputs or commands. (Column 2, Lines 18 to 50) It would have been obvious to

one having ordinary skill in the art to provide a voice browser using VoxML™ having

one or more input elements embedded in an active voice browser to permit a user to

interact in real-time as suggested by *Ladd et al. ('359)* in an interactive radio system of *Lumelsky* for the purpose of permitting a user to access up-to-date information from any location in the world via any suitable network access device using voice inputs or commands.

Concerning claims 34 and 43, *Ladd et al. ('359)* teaches an interactive speech application using a markup language such as VoxML™. (Column 4, Line 66 to Column 5, Line 2)

Concerning claims 35 and 44, *Ladd et al. ('359)* teaches a voice browser 250 permits a user to interact through the use of an OPTION element within an INPUT element to select options of weather, news, or traffic by voice commands. (Column 27, Lines 4 to 30; Column 36, Line 26 to Column 41, Line 60)

Claims 29 to 33, 36, 38 to 42, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lumelsky* in view of *Ladd et al. ('359)* as applied to claims 27 and 28 above, and further in view of *Honarvar et al.*

Concerning independent claims 47 and 48, the only elements not expressly disclosed by a combination of *Lumelsky* and *Ladd et al. ('359)* (as discussed above) are "wherein the generated content includes information derived from an on-line analytical processing (OLAP) system, and where the at least one voice service is executed upon satisfaction of a predetermined condition". While on-line analytical processing (OLAP) is well known for personalized web pages, *Lumelsky* does not expressly teach on-line analytical processing (OLAP) executed upon satisfaction of a predetermined condition.

However, *Honarvar et al.* teaches the use of online analytical processing (OLAP) in a rules based decision management system, where an inbound event is a trigger to identify that a particular client event has occurred. Such events may be automatically generated due to client behavior or systematically produced at specified time intervals. (Column 3, Lines 13 to 22: Figure 2) A triggering event due to client behavior or at specified time intervals is execution "upon satisfaction of a predetermined condition." It is stated that a decision management system using on-line analytical processing (OLAP) can provide superior results, increased revenue generation, improved cost-effectiveness, and enhanced customer relationships. (Column 3, Lines 6 to 9) It would have been obvious to one having ordinary skill in the art to provide on-line analytical processing (OLAP) of a service executed upon satisfaction of a predetermined condition as taught by *Honarvar et al.* in the method for singlecast interactive radio of *Lumelsky* for the purpose of providing superior results, increased revenue, and enhanced customer relationships.

Concerning claims 29 to 32 and 38 to 41, *Honarvar et al.* teaches inbound events for triggering may be systematically produced at specified time intervals (i.e. monthly), or a routine evaluation date (a periodic, scheduled evaluation) ("a scheduled, time-based condition" or "triggering event") (column 3, lines 13 to 23: Figure 2); inbound events may be automatically generated due to client behavior as inbound triggering events ("a predetermined condition") (column 3, lines 13 to 23: Figure 2); clients are segregated for applying different rules; for example, a segment for residential customers and another for business customers (column 3, lines 23 to 34: Figure 2); implicitly,

whether a customer is a residential or business customer is a property "specified by a user when subscribing"; similarly, clients may be grouped based upon how the organization views the clients, by dividing credit card holders into categories of Bronze, Gold, Platinum; implicitly, a type of credit card held by a customer is "specified by a user while subscribing".

Concerning claims 33 and 42, *Honarvar et al.* teaches the use of online analytical processing (OLAP) in a rules based decision management system, where an inbound event is a trigger to identify that a particular client event has occurred ("information derived from an on-line analytical processing (OLAP) system") (column 3, lines 13 to 22: Figure 2); it is stated that a decision management system using on-line analytical processing (OLAP) can provide superior results, increased revenue generation, improved cost-effectiveness, and enhanced customer relationships (column 3, lines 6 to 9).

Concerning claims 36 and 45, *Honarvar et al.* teaches a software based system 10 receives information from customer information systems 20, and tailors customer interactions based on predictive information and decision strategies; software based system 10 then determines an appropriate action which is to be taken by an action-taking system 30; an appropriate action to be taken could include a call to a customer ("initiating an outbound communication to the subscriber comprises initiating an outbound telephone call") (column 2, line 61 to column 3, line 5: Figure 1).

Response to Arguments

Applicants' arguments filed 06 December 2005 have been considered but are
moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to
Applicants' disclosure.

Wikipedia provides a definition for "Push Technology" as an internet-based
content delivery system where information is delivered from a central server to a client
computer based upon a predefined set of request parameters outlined by a client
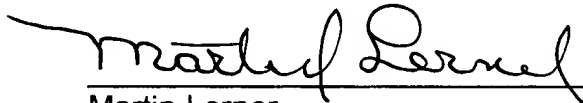computer. Server Push uses PointCast software.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Martin Lerner whose telephone number is (571) 272-
7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to
Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ML
1/19/06

Martin Lerner
Examiner
Group Art Unit 2654